

OLC 78-2835/2
8 August 1978

OLC RECORD COPY

Pao/Lez

MEMORANDUM FOR THE RECORD

SUBJECT: Justice Department Appropriations Report Language

1. The undersigned met on the morning of 7 August 1978 with Representatives of the Department of Justice in order to discuss report language in the Senate Appropriations Report for Justice which requires that the Immigration and Naturalization Service, under the control and guidance of the Attorney General, deny entry visas to Soviet Bloc intelligence personnel seeking admission to the United States. In attendance at the meeting were:

Michael Wenk, Department of Justice, Office of Program Review
and Budget

Michael Roper, Department of Justice, Office of Program Review
and Budget

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2. [redacted] explained to the Justice representatives the probable deleterious effect of such legislation on CIA's overseas operations. We specifically pointed out that any such denials and/or expulsions would almost certainly result in a tit-for-tat retaliation on the part of the Soviets and other bloc nations. Mr. Vogel further stated that not only would this drastically reduce, if not eliminate our operational capability in the bloc nations, but that it also would not serve to make the job of the FBI any easier in the long run. To illustrate he utilized the British example wherein after Britain expelled 105 Soviet KGB/GRU officers they found that these officers were replaced, at least in part, by officers in either an illegal (NOC) status or "clean" officers under diplomatic cover. The result, being not to eliminate the hostile intelligence presence but rather making it more difficult to detect. There is no reason to believe that a similar result would not come about should the U.S. conduct mass expulsions.

3. The Justice representatives are under clear orders from the Office of the Attorney General to the effect that the objectionable language not appear in the conference report (with conference expected to occur later this week or early next).

The language, in the opinion of the Office of the Attorney General, not only severely limits his current discretionary authority, regarding this type of matter, but is clearly not in the national interest; thus the strong Justice positions.

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5. Legislation staff is currently working with both the Department of Justice and the Department of State in order to arrive at a unified strategy so as to insure that this provision is struck (that is, contrary language included in the conference report) or at least greatly modified allowing for broad discretion on the part of the Attorney General in consultation with the Department of State and Intelligence Community.

6. Towards this end this office is preparing a talking points paper so that Deputy Director Carlucci may telephone Senator Ernest Hollings (D., S. Car.), the provisions author, and express to him this Agency's concerns with the report language.

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Assistant Legislative Counsel

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